FILED

JUL 20 2005

U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

EMISSIVE ENERGY CORPORATION,	:	
Plaintiff,	:	
	:	C.A. NO. 04-CV-482L
vs.	:	
	:	
COAST CUTLERY CO.	:	
	:	
Defendant.	:	

PLAINTIFF'S OBJECTION TO DEFENDANT'S MOTION TO EXTEND DISCOVERY DEADLINE

Plaintiff, Emissive Energy Corporation ("Emissive"), hereby objects to defendant, Coast Cutlery Co.'s, Motion to Extend the Discovery Deadline. As grounds for this Objection, Emissive relies on the Memorandum of Law filed herewith.

EMISSIVE ENERGY CORPORATION
By its Attorneys,

Craig M. Scott, Esq. (#4237)
Christine K. Bush, Esq. (#5587)
DUFFY SWEENEY & SCOTT, LTD
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(401) 455-0700
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Dated: July 20, 2005

CERTIFICATE OF SERVICE

TO: Charles S. Beal, Esq.
Cameron & Mittleman LLP
56 Exchange Terrace
Providence, RI 02903

Michael E. Haglund, Esq.
Julie A. Weis, Esq.
Haglund, Kelly, Horngren & Jones, LLP
One Main Place
101 SW Main, Suite 1800
Portland, OR 97204-3226

I hereby certify that on this 20th day of July, 2005 I caused to be forwarded via First Class Mail a copy of the within *Objection* to the above-named counsel of record.

Linda A. Ardente

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COAST CUTLERY CO. :
:
Defendant. :

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S OBJECTION TO DEFENDANT'S MOTION TO EXTEND DISCOVERY DEADLINE

Plaintiff, Emissive Energy Corporation ("Emissive"), hereby responds to defendant, Coast Cutlery Co.'s, Motion to Extend Discovery Deadlines. Emissive's counsel is willing to work with opposing counsel concerning scheduling issues and would not normally oppose such a brief extension of time, but there are extenuating circumstances here that prevent Emissive from agreeing to the Motion.

First, this is the second case Emissive filed against Coast in this Court concerning the same infringement complaints. But for Coast's failure to abide by the terms of the Settlement Agreement and Permanent Injunction arising from the first case, Emissive would have been spared the time and expense associated with this second action. At this point, however, Emissive has been trying to stop Coast's objectionable conduct for approximately two years, and Emissive is disinclined to wait any longer.

Second, though Coast bases its motion, in part, on its claimed efforts to resolve this matter through settlement, no viable settlement offer has been forthcoming from Coast. If Coast truly is interested in resolving this matter without need for discovery and/or trial, Emissive would welcome a proposal. But at this point, despite its suggestions to the contrary, Coast has made no effort to resolve this case, and extending the case by 45 days seems unlikely to generate settlement action.

Third, inasmuch as there may have been scheduling issues thus far, those issues will be compounded if discovery, motions practice and the trial are moved by 45 days. Emissive's counsel, Craig Scott and Christine Bush, have trials, previously scheduled out-of-state depositions and planned, prepaid vacations (for which Craig Scott is court excused) that will account for much of August and September. Thus, as a practical matter, extending discovery from the end of July into August or September will not free up any additional time for discovery.

Moreover, this case is set for trial on September 19, 2005. Since Coast seeks to move the close of discovery to September 12, 2005, presumably it also seeks to adjust the trial date accordingly. If the trial date is moved by 45 days from September 19, 2005 to November 3, 2005, that would place the trial during Ms. Bush's maternity leave. Emissive and Coast's counsel have offered to work with each other concerning scheduling issues, but nothing short of moving the trial to mid-February 2006 will avoid the maternity-leave hurdle.

EMISSIVE ENERGY CORPORATION
By its Attorneys

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Dated: July 20, 2005

CERTIFICATION

TO:

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One Main Place
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Portland, OR 97204-3226

Charles S. Beal, Esq.
Cameron & Mittleman, LLP
56 Exchange Terrace
Providence, RI 02903

I hereby certify that I caused a true copy of the within *Memorandum of Law in Support of Plaintiff's Objection to Defendant's Motion to Extend Discovery Deadline* to be to be transmitted by First Class Mail to the above named counsel of record on the 20th day of July, 2005.

Linda A. Cardente

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